THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25369 of 2006

Between:

Sri B.Niranjan.

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PETITIONER

and

State of A.P.
Home Department and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that he is the owner of

Toyota Qualis bearing No.AP-09X-1821, which was purchased by hypothecating the same with Laxmi Sai Auto Finance, Sadasivapet. It is stated that his brother B.Thri Vikram obtained chit amount from Sriram Chits Private Limited, Sangareddy Branch. It is stated that his brother is living separately and he is nothing to do with his brother and he never stood as a guarantor for the amounts taken by his brother.

It is further stated that the petitioner sold the said vehicle to one Govind and the amounts payable to Sri Laxmi Sai Auto Finance, Sadasivapet, was also cleared and handed over the R.C. book and other papers to one G.Praveen Kumar, who is a R.T.A. agent at Sangareddy, for the purpose of effecting transfer in the name of Govind.

It is further stated that the Branch Manager of Sriram Chits Private Limited, Sangareddy Branch, in connivance with the 3rd and 4th respondents, forcibly taken the R.C. Book and other transfer papers from the agent and handed over the papers to the Branch Manager of Sriram Chits Private Limited and the police forced the petitioner to sign on surety papers brought by the Branch Manager of Sriram Chits Private Limited. Thus, it is stated that the petitioner is unnecessarily dragged in the civil disputes of his brother with Sriram Chits Private Limited and he is nothing to do with the same.

It is further stated that in this connection, the petitioner also filed a private complaint on the file of Judicial First Class Magistrate, Medak at Sanga Reddy against Branch Manager of Sriram Chits Private Limited as well as the 4th

respondent. After examining the petitioner, the learned Magistrate took cognizance against the said accused on 09-11-2006. Thereafter, the Branch Manager of Sriram Chits Private Limited also filed a private complaint. Based on which, a case in Cr.No.203 of 2006 was registered on 17-11-2006 for the offence under Section 420 IPC and the investigation is till pending.

A counter has been filed stating that 3rd and 4th respondents never threatened the petitioner or his purchaser to keep the said vehicle in the police station and that they never harassed or tortured the petitioner to make him to sign on surety papers. Further, all the aforesaid allegations made against the police officials as well as the Branch Manager of Sriram Chits Private Limited are all denied. It is stated that as the criminal case is pending against the petitioner, the police are discharging their duties.

Having regard to the facts and circumstances of the case, I am of the opinion that a case and a counter case are pending and, therefore, the interrogation in Cr.No.203 of 2006, which was registered on 17-11-2006, for the offence under Section 420 I.P.C., may go on, and that the petitioner may also be examined, but, however, he shall not be arrested during the course of interrogation. Further, it is directed that the petitioner shall appear before the concerned Investigating Officer as and when required for the purpose of investigation.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

01-02-2007

Prv